



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President
Brent Hibbert, Vice President
Jesse Bjorkman
Lane Chesley
Tyson Cox
Richard Derkevorkian
Cindy Ecklund
Bill Elam
Mike Tupper

Tuesday, July 5, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.

[Clerk's Note: The invocation will be offered by David Carey.]

ROLL CALL

COMMITTEE REPORTS

APPROVAL OF AGENDA AND CONSENT AGENDA

(All items listed with an asterisk () are considered to be routine and non-controversial by the Assembly and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB-4401 June 21, 2021 Regular Assembly Meeting Minutes
Resolution 2022-042 Healthy and Equitable Communities Program
Resolution 2022-043 Real Property Leases in Which CPGH is Lessee
Resolution 2022-44 City of Soldotna and SPSCC Agreement
Ordinance 2022-19-05 Unexpected Election Expenses
Ordinance 2022-19-06 Print Shop Administrative Assistant Position
Ordinance 2022-29 Late Filed Exemption Applications
Ordinance 2022-25 Stop-Work Orders and Fine Amounts
Ordinance 2022-26 Applications for Marijuana Establishments
Ordinance 2022-27 Amending definitions to KPB 21.25
Ordinance 2022-30 Stephenki Alaska Sub Local Option Zone
Ordinance 2022-28 Declaration of Disaster Code Updates
KPB-4362 Transfer of Ownership Liquor License No. 976
KPB-4383 Petition to Vacate Section Line Easement Quartz Creek
KPB-4399 Right of Way Vacation Hanks Mill Road
KPB-4384 Planning Commission Appointments
KPB-4385 Nikiski Senior Service Area Board Appointment

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2022-19-01 Firewise Slash Disposal Sites
Ordinance 2022-19-03 Appropriating Road Service Area Capital Projects Funds
Ordinance 2022-19-04 Purchase of the Kenai Surgery Center
Ordinance 2022-24 CES Station 1 Bond Submission to Voters
Ordinance 2022-19-02 Appropriating Funds for Distributing Information about CES Station 1 Bond

APPROVAL OF MINUTES

*1. [KPB-4401](#) June 21, 2022 Regular Assembly Meeting Minutes

Attachments: [062122 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS**PRESENTATIONS WITH PRIOR NOTICE**

(20 minutes total)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

1. [2022-19-01](#) An Ordinance Appropriating \$300,000 from the General Fund to Establish Temporary Firewise Slash Disposal Sites (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-01](#)
[Memo](#)
[Slash Site Locations Email](#)

2. [2022-19-03](#) An Ordinance Appropriating Road Service Area Capital Project Funds from Previously-Appropriated Projects to the FY2021 Borough Road Improvement Project to Fund the Mansfield Avenue, Ferrin Road and Old Exit Glacier, Fish Passage Projects (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-03](#)
[Memo](#)
[Advisory Board Recommendations](#)

3. [2022-19-04](#) An Ordinance Approving the Purchase of the Surgery Center of Kenai and Appropriating \$9,120,000 from the Central Peninsula Hospital Plant Replacement and Expansion Fund to Support the Purchase (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-04](#)
[Amendment Memo](#)
[Memo](#)
[CPH Resolution](#)
[Public Comment](#)

4. [2022-24](#) An Ordinance Providing for the Submission to the Qualified Voters of the Central Emergency Service Area in the Kenai Peninsula Borough at the Regular Election on October 4, 2022, the Question of the Issuance of Not-To-Exceed Sixteen Million Five Hundred Thousand Dollars (\$16,500,000) of General Obligation Bonds of the Central Emergency Service Area to Pay the Cost of Replacing Central Emergency Services Fire Station #1 in and for the Service Area (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-24](#)
[Memo](#)

5. [2022-19-02](#) An Ordinance Appropriating Funds for the Costs of Distributing Information about the Ballot Proposition Seeking Voter Approval for the Issuance of Bonds to Pay for the Central Emergency Service Area Fire Station #1 Project to Ensure Compliance with Legal Restrictions on the Use of Borough Funds and Assets Related to Ballot Propositions (Mayor) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-19-02](#)
[Amendment Memo](#)
[Memo](#)

Ordinances referred to Policies and Procedures Committee

6. [2022-23](#) An Ordinance Amending KPB 5.18.200 and KPB 5.18.430 Relating to Borough Sales Tax to Provide an Exemption for Residential Rentals in Excess of 30 Consecutive Days to Increase the Maximum Amount of a Sale Subject to Borough Sales Tax to \$1,000, Subject to Voter Approval (Johnson, Hibbert, Chesley) (Hearing on 07/05/22)

Attachments: [Ordinance 2022-23](#)
[Memo](#)
[Fiscal Note](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

- *a. [2022-042](#) A Resolution Approving a Modification to the Spending Plan for the Remaining Balance of \$100,000 from the State of Alaska for the Healthy and Equitable Communities Program, a Federal Pass-thru Award Under the Centers for Disease Control and Prevention (Mayor)

Attachments: [Resolution 2022-042](#)
[Memo](#)

- *b. [2022-043](#) A Resolution Approving an Increase to the Limitation on the Total Cumulative Annual Cost of Real Property Leases in Which CPGH, Inc. is the Sole Lessee (Mayor)

Attachments: [Resolution 2022-043](#)
[Memo](#)

Resolutions referred to Policies and Procedures Committee

- *c. [2022-044](#) A Resolution Authorizing the Mayor to Execute an Agreement with the City of Soldotna for Services Provided by the Borough through the Soldotna Public Safety Communications Center (Mayor)
- Attachments:* [Resolution 2022-044](#)
[Memo](#)
[City of Soldotna Final Agreement](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

- *a. [2022-19-05](#) An Ordinance Appropriating \$20,000 from the General Fund to Cover Unexpected Election Expenses (Johnson) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-19-05](#)
[Memo](#)
- *b. [2022-19-06](#) An Ordinance Changing the Print Shop Administrative Assistant/Multidisciplinary Position from a Part-Time Position to a Full-Time Position and Appropriating Necessary Funds for the Position (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-19-06](#)
[Memo](#)
- *c. [2022-29](#) An Ordinance Authorizing the Assessor to Accept One Late-Filed Senior Citizen Exemption Application Filed After March 31 and Two Late-Filed Disabled Veteran Applications and Providing an Exception to KPB 5.12.040(B) (Mayor, Tupper) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-29](#)
[Memo](#)

Ordinances for Introduction and referred to the Lands Committee

- *d. [2022-25](#) An Ordinance Amending KPB Chapter 21.50 Relating to Stop-Work Orders and Fine Amounts in Stipulated Agreements (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-25](#)
[Memo](#)

- *e. [2022-26](#) An Ordinance Amending KPB Chapters 7.20, 7.30 and 21.44 Relating to Marijuana Establishments and Processing Applications for Marijuana Establishments (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-26](#)
[Memo](#)
- *f. [2022-27](#) An Ordinance Amending KPB 21.25 to Add Definition of “Aggrieved Party” and Amending KPB 21.29 to Remove the Term “Impartial”, to Clarify the Well-Monitoring Timeline, to Define “Quarterly”, and to Add a “Definitions” Section (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-27](#)
[Memo](#)
[Advisory Board Recommendations](#)
- *g. [2022-30](#) An Ordinance Approving Stephenkie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and Amending KPB 21.46.110 (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-30](#)
[Memo](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

- *h. [2022-28](#) An Ordinance Providing for Necessary Code Updates Relating to Declaration of Disaster Emergency and the Administration of the Borough’s Emergency Powers and Duties (Mayor) (Hearing on 08/09/22)
- Attachments:* [Ordinance 2022-28](#)
[Memo](#)
[KPB Code Revision Report](#)

3. Other

Other items referred to Finance Committee

- *a. [KPB-4362](#) Approving the Issuance of a Letter of Non-Objection for the transfer of ownership and location of a Liquor License no. 976 filed by Three Bears Alaska DBA Bears Den Liquor

Attachments: [Recommendation Memo to Assembly](#)
[Transfer Ownership and Location Application 976](#)
[Map Layout3](#)
[Map Layout2](#)
[Map Layout](#)

Other items referred to Lands Committee

- *b. [KPB-4383](#) Petition to Vacate Section Line Easements Associated with Tracts A, B, & C of Quartz Creek Subdivision Plat No. SW 94-11; KPB File 2022-060V (Mayor)

[Clerk's Note: At its regularly scheduled meeting of June 13, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

Attachments: [Petition to Vacate Section Line Easements, Quartz Creek Sub](#)

- *c. [KPB-4399](#) Petition to Vacate a Portion of Hanks Mill Road (formerly Old Sterling Highway), Happy Valley KPB 2022-077V (Mayor) (Referred to Lands Committee)

[Clerk's Note: At its regularly scheduled meeting of June 27, 2022 the Kenai Peninsula Borough Planning Commission approved the proposed vacation by unanimous vote.]

Attachments: [Hank's Mill Right of Way Vacation Packet](#)
[Planning Commission Memo](#)
[Planning Commission Minutes 06/27/22](#)
[Public Comment](#)

Other items referred to Policies and Procedures Committee

- *d. [KPB-4384](#) Confirming Appointments to the KPB Planning Commission:

Diane Fikes, City of Kenai Seat, Term Expires July 31, 2025
Franco Venuti, City of Homer Seat, Term Expires July 31, 2025

Attachments: [Planning Commission Appointments](#)

- *e. [KPB-4385](#) Confirming an Appointment to the Nikiski Senior Service Board:

Hala Allam, Board Seat D, Term Expires October 2023

Attachments: [Nikiski Senior Service Area Board Appointment](#)

MAYOR'S REPORT

Mayor's Report Cover Memo

[KPB-4393](#) Mayor's Report Cover Memo

Attachments: [Mayor's Report Cover Memo](#)

1. Assembly Requests/Responses

2. Agreements and Contracts

- a. [KPB-4394](#) Authorization to Award a Contract for FRP22-017 South Bend RIAD Engineering Design to McLane Consulting, Inc., Soldotna, AK

Attachments: [Auth to Award a Contract for RFP22-017 South Bend RIAD Engineering Design](#)

- b. [KPB-4395](#) Authorization to Award a Contract for RFP22-022 Ready, Set, Go! Preparedness Campaign to FEA (Facility Engineering Associates, PC) Lakewood, Colorado

Attachments: [Auth to Award a Contract for RFP22-022 Ready, Set, Go! Preparedness Campaign](#)

- c. [KPB-4396](#) Authorization to Award a Contract for RFP22-024 Hazardous Waste Collection Program to US Ecology Alaska, LLC, Kenai, AK

Attachments: [Auth to Award a Contract for RFP22-024 Hazardous Waste Collection Program](#)

- d. [KPB-4397](#) Authorization to Award a Contract for RFP22-023 Volunteer Firefighter Campaign to Agnew::Beck Consulting, Anchorage, AK

Attachments: [Auth to Award a Contract for RFP22-023 Volunteer Firefighter Campaign](#)

3. Other

- a. [KPB-4398](#) Tax Adjustment Request Approval

Attachments: [Tax Adjustment Request Approval](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

1. [2021-19-50](#) An Ordinance Accepting and Appropriating the Opioid Settlement Funds and Establishing the Opioid Settlement Fund Grant Program (Mayor) (Hearing on 08/09/22) (Referred to Finance Committee)

Attachments:

[Ordinance 2021-19-50](#)

[Memo](#)

[Exhibit E and G \(excerpt\) to Settlement Agreement_Opioid Approp. backup](#)

3. [2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) (Referred to Policies and Procedures Committee) [Tabled on 02/01/22]

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

Attachments:

[Ordinance 2021-41](#)

[Elam Amendment #2 \(notice of reconsideration given\)](#)

[Ecklund Tupper Amendment \(amendments pending\)](#)

[Ordinance 2021-41 \(Elam, Derkevorkian\) Substitute](#)

[Memo](#)

[Material Site Work Group Timeline](#)

[Legal Memo re Assembly Questions](#)

[Public Comments 021522](#)

[Public Comments 020122](#)

[Public Comments 020122](#)

[Public Comment 011822](#)

[Reference Copy Ordinance 2006-01 SUB](#)

[Reference Copy Resolution 2018-004 SUB](#)

[Reference Copy Resolution 2018-025](#)

[Elam Amendment #1 \(dealt with on 011822\)](#)

INFORMATIONAL MATERIALS AND REPORTS**ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS**

August 9, 2022 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers
Borough Administration Building
Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

ADJOURNMENT

The next meeting of the Kenai Peninsula Borough Assembly will be held on August 9, 2022 at 6:00 P.M. in the Borough Assembly Chambers, Soldotna, Alaska.

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

The meeting will be held through Zoom, the Meeting ID: 884 7373 9641 Passcode: 671108 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 884 7373 9641 Passcode: 671108. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at www.kpb.us: "Meeting and Public Notices" "Assembly Meeting Calendar".

For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting minutes, ordinances and resolutions.